

FILED

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AUSA Christopher R. McFadden (312) 353-1931

JUL 13 2009

JUL 13, 2009

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION

**AFFIDAVIT OF COMPLAINT (OR INDICTMENT) IN REMOVAL PROCEEDINGS**

UNITED STATES OF AMERICA )  
)  
v. )  
)  
SHELBY ELIZABETH NICHOLS )

**MAGISTRATE JUDGE COLE**

CASE NUMBER:

**09 CR 598**

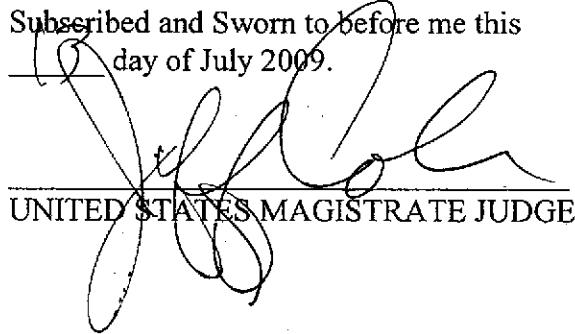
The undersigned Affiant personally appeared before Jeffrey Cole, a United States Magistrate Judge, and being duly sworn on oath, states: That at Salt Lake City, in the District of Utah, Central Division, one SHELBY ELIZABETH NICHOLS was charged via indictment with bankruptcy fraud, in violation of Title 18, United States Code, Sections 152(1), 152(2), 152(3), 152(7), and 1519, and that on the basis of Affiant's investigation and information received concerning the case through official channels, does hereby certify that an Arrest Warrant is outstanding for the arrest of said defendant. A copy of the warrant and the indictment are attached to this affidavit.

Wherefore, Affiant prays that the defendant be dealt with according to law.



Stephen Linder, Deputy U.S. Marshal  
U.S. Marshals Service

Subscribed and Sworn to before me this  
day of July 2009.

  
UNITED STATES MAGISTRATE JUDGE



CHRISTOPHER R. MCFADDEN  
Assistant United States Attorney

Issuing court bond recommendation: Unknown

# United States District Court

DISTRICT OF UTAH - CENTRAL DIVISION

UNITED STATES OF AMERICA

v.

## WARRANT FOR ARREST

Shelby Elizabeth Nichols

CASE NUMBER: 2:05-cr-00202-PGC

To: The United States Marshal  
and any Authorized United States Officer



COPY

YOU ARE HEREBY COMMANDED to arrest \_\_\_\_\_

**SHELBY ELIZABETH NICHOLS**

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment       Superseding Indictment       Information       Superseding Information  
 Complaint       Order of court       Violation Notice       Probation Violation Petition

charging him or her with (brief description of offense)

**Concealment of Assets, Fraudulent Transfer, False Bankruptcy Declaration, False Bankruptcy Documents, False Bankruptcy Oath**

in violation of 18:152(1), 18:152(7), 18:152(3), 18:1519, 18:152(2)

United States Code.

Markus B. Zimmer

Name of Issuing Officer

Clerk of Court

Title of Issuing Officer

A. Paskins

Signature of Issuing Officer

June 7, 2005 at Salt Lake City, Utah

Date and Location

By: Aaron Paskins  
Deputy Clerk

Bail fixed \_\_\_\_\_ by \_\_\_\_\_

Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

RECEIVED CLERK

JUN 02 2005

PAUL M. WARNER, United States Attorney (#3389) U.S. DISTRICT COURT  
BARBARA BEARNSON, Assistant United States Attorney (#3986)  
CY H. CASTLE, Special Assistant United States Attorney (#4808)  
Attorneys for the United States of America  
185 South State Street, #400  
Salt Lake City, Utah 84111-1506 185 JUN -5 P W 05  
Telephone: (801) 524-5682  
Facsimile: (801) 524-6924

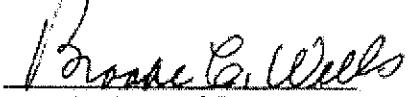
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : ORDER AUTHORIZING COURT  
Plaintiff, : CLERK TO ISSUE ARREST  
: WARRANT  
vs. :  
SHELBY ELIZABETH NICHOLS, : Case No. 2:05CR00202PGC  
Defendant. :  
:

Based upon the representations contained in the  
government's Request for Issuance of Arrest Warrant, and  
other good cause appearing, it is hereby ordered that the  
Court Clerk is authorized to issue an Arrest Warrant for the  
Defendant, Shelby Elizabeth Nichols.

Dated this 3 day of June, 2005.

BY THE COURT:

  
Brook C. Wells  
U.S. Magistrate Judge

PAUL M. WARNER, United States Attorney (#3389)  
ELIZABETHANNE C. STEVENS, Assistant United States Attorney (#7314)  
CY H. CASTLE, Special Assistant United States Attorney (#4868)  
Attorneys for the United States of America  
185 South State Street, #400  
Salt Lake City, Utah 84111-1506  
Telephone: (801) 524-5682  
Facsimile: (801) 524-6924

2005 MAR 30 P 3 48

DISTRICT OF UTAH

BY:

Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

I N D I C T M E N T

Plaintiff,

vs.

SHELBY ELIZABETH NICHOLS,

18 U.S.C. § 152(1)  
(Concealment of Assets)  
Count 1

Defendant.

18 U.S.C. § 152(7)  
(Fraudulent Transfer)  
Count 2

18 U.S.C. § 152(3)  
(False Bankruptcy  
Declaration)  
Counts 3-5

18 U.S.C. § 1519  
(False Bankruptcy  
Documents)  
Counts 6-8

18 U.S.C. § 152(2)  
(False Bankruptcy  
Oath)  
Count 9

The Grand Jury charges:

Judge Paul G. Cassell  
DECK TYPE: Criminal  
DATE STAMP: 03/30/2005 @ 13:00:22  
CASE NUMBER: 2:05CR00202 PGC

COUNT 1

(Concealment of Assets)

1. On or about March 29, 2004, SHELBY ELIZABETH NICHOLS, Defendant herein, filed a voluntary petition for bankruptcy protection under chapter 7 of Title 11 of the United States Code with the United States Bankruptcy Court for the District of Utah. The bankruptcy court assigned case number 04-24916 to the bankruptcy of Shelby Elizabeth Nichols.

2. From on or about March 29, 2004 until on or about June 1, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, did knowingly and fraudulently conceal from creditors of the bankruptcy estate of Shelby Elizabeth Nichols, the United States Trustee and the panel trustee in bankruptcy, \$39,35~~5~~.50 belonging to the estate of Shelby Elizabeth Nichols.

All in violation of Title 18, United States Code, Section 152(1).

COUNT 2

(Fraudulent Transfer)

1. On or about April 6, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, then a debtor in bankruptcy under Title 11, Case No. 04-24916, knowingly and fraudulently transferred \$39,35~~5~~.50 to the checking account of the Chamorin Group with the intent to defeat the provisions of Title 11.

All in violation of Title 18, United States Code, Section 152(7).

COUNT 3

(False Bankruptcy Declaration)

1. On or about March 29, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly and fraudulently made a material false declaration and statement under the penalty of perjury as permitted under section 1746 of Title 28 in and in relation to a case under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-24916, by filing Schedules of Assets and Liabilities, in which the Defendant falsely stated "None" in response to question 16 of her Schedule B of the Schedules of Assets and Liabilities regarding whether she was and may be entitled to alimony, maintenance, support and property settlement.

All in violation of Title 18, United States Code, Section 152(3).

COUNT 4

(False Bankruptcy Declaration)

1. On or about March 29, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly and fraudulently made a material false declaration and statement under the penalty of perjury as permitted under section 1746 of Title 28 in and in relation to a case under Title 11, In re Shelby Elizabeth

Nichols, Case No. 04-24916, by filing a Statement of Financial Affairs, in which the Defendant falsely stated "None" in response to question 4 of her Statement of Financial Affairs regarding whether she had been a party to a suit within one year of her bankruptcy filing.

All in violation of Title 18, United States Code, Section 152(3).

COUNT 5

(False Bankruptcy Declaration)

1. On or about July 6, 2004, SHELBY ELIZABETH NICHOLS, Defendant herein, filed a voluntary petition for bankruptcy protection under chapter 7 of Title 11 of the United States Code with the United States Bankruptcy Court for the District of Utah. The bankruptcy court assigned case number 04-30824 to the bankruptcy of Shelby Elizabeth Nichols.

2. On or about July 6, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly and fraudulently made a material false declaration and statement under the penalty of perjury as permitted under section 1746 of Title 28 in and in relation to a case under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-30824, by filing a Statement of Financial Affairs, in which the Defendant falsely stated in response to questions 4 and 10 as follows:

Question 4	Defendant was not a party to a suit within one year of her bankruptcy filing.
Question 10	Defendant had not transferred any property within one year of her bankruptcy filing.

All in violation of Title 18, United States Code, Section 152(3).

COUNT 6

(False Bankruptcy Documents)

1. On or about March 29, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly falsified, concealed and made a false entry in a document with the intent to impede, obstruct and influence a case filed under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-24916, by filing Schedules of Assets and Liabilities, in which the Defendant falsely stated "None" in response to question 16 of her Schedule B of the Schedules of Assets and Liabilities regarding whether she was and may be entitled to alimony, maintenance, support and property settlement.

All in violation of Title 18, United States Code, Section 1519.

COUNT 7

(False Bankruptcy Documents)

1. On or about March 29, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly falsified, concealed and made a false entry in a document with the intent to

impede, obstruct and influence a case filed under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-24916, by filing a Statement of Financial Affairs, in which the Defendant falsely stated "None" in response to question 4 of her Statement of Financial Affairs regarding whether she had been a party to a suit within one year of her bankruptcy filing.

All in violation of Title 18, United States Code, Section 1519.

COUNT 8

(False Bankruptcy Documents)

1. On or about July 6, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly falsified, concealed and made a false entry in a document with the intent to impede, obstruct and influence a case filed under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-30824, by filing a Statement of Financial Affairs, in which the Defendant falsely stated in response to questions 4 and 10 as follows:

Question 4	Defendant was not a party to a suit within one year of her bankruptcy filing.
Question 10	Defendant had not transferred any property within one year of her bankruptcy filing.

All in violation of Title 18, United States Code, Section 1519.

COUNT 9

(False Bankruptcy Oath)

1. On or about August 10, 2004, in the District of Utah, Defendant SHELBY ELIZABETH NICHOLS, knowingly and fraudulently made a material false statement under oath in and in relation to a case under Title 11, In re Shelby Elizabeth Nichols, Case No. 04-23965, by falsely testifying under oath in a proceeding before the case trustee at a meeting of creditors as underscored below:

Question: The information you put in these papers is truthful, accurate and complete?

Answer: Yes.

Question: Have you listed all of your assets and all your debts?

Answer: Yes.

All in violation of Title 18, United States Code, Section 152(2).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

PAUL M. WARNER  
United States Attorney  
District of Utah

*Cy H. Castle*  
ELIZABETHANNE C. STEVENS  
Assistant U.S. Attorney  
CY H. CASTLE  
Special Assistant U.S. Attorney